

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

RICKY PANNELL,)	
)	
Plaintiff)	
)	Case No. 4:04cv00050
v.)	
)	ORDER
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant)	

On August 16, 2004, the Court entered an order referring this case to the Honorable B. Waugh Crigler, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The magistrate judge filed his report and recommendation on June 7, 2005. After a careful review of the entire record in this case and no objections having been filed to the magistrate judge's report and recommendation within ten (10) days of its service upon the parties, this Court adopts the magistrate judge's report in its entirety. Accordingly, it is this day ADJUDGED and ORDERED as follows:

1. The report and recommendation of the United States Magistrate Judge, recommending reversal of the Commissioner's decision, is adopted in its entirety.

2. The Commissioner's final decision is REVERSED, and the case is RECOMMITTED to the Commissioner for the sole purpose of calculating and paying proper benefits.

3. This case is dismissed and stricken from the Court docket.

The Clerk is directed to send a certified copy of this order to all counsel of record and to United States Magistrate Judge B. Waugh Crigler.

ENTERED this 18th day of July, 2005.

s/Jackson L. Kiser
Senior United States District Judge